

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VINEET PAREKH,

Plaintiff,

v.

AVALARA, INC., et al.,

Defendants.

CASE NO. C22-1580 MJP

ORDER ON STIPULATED  
MOTION RE: SCHEDULING

This matter comes before the Court on the Parties' Stipulated Motion and Proposed Order Regarding Scheduling. (Dkt. No. 34.) Having reviewed the Motion and the balance of the docket, the Court DENIES the Motion.

**BACKGROUND**

Through the Motion, the Parties ask the Court to allow Plaintiff to file an amended complaint by April 4, 2023 and for a lengthy briefing schedule on Defendants' anticipated motion to dismiss that would note on August 18, 2023. This represents a significant enlargement of time relative to the deadlines the Court has already set. Specifically, the Court granted

1 Plaintiff Vineet Parekh’s stipulated request to file an amended complaint within 30 days of  
2 approval of the lead plaintiff. (Dkt. No. 9 at 2-3.) The Court also permitted Defendants to file an  
3 answer or motion to dismiss 45 days after the filing of the amended complaint. (Id. at 3.)  
4 Plaintiff’s response was to be due 45 days later, with a reply served 30 days after the response.  
5 (Id.) The Court then appointed lead plaintiff, Martin Sohovich, on February 3, 2023, making the  
6 amended complaint due by March 6, 2023. (Dkt. No. 31.) And under the existing schedule, the  
7 Motion to Dismiss would be due by April 20, 2023, the response due by June 5, 2023, and the  
8 reply due by July 5, 2023.

### 9 ANALYSIS

10 Rule 16(b)(4) states that “a schedule may be modified only for good cause and with the  
11 judge’s consent.” Fed. R. Civ. P. 16(b)(4). “Rule 16(b)’s ‘good cause’ standard primarily  
12 considers the diligence of the party seeking the amendment.” Johnson v. Mammoth Recreations,  
13 Inc., 975 F.2d 604, 609 (9th Cir. 1992). “[T]he focus of the inquiry is upon the moving party’s  
14 reasons for seeking modification” and “[i]f that party was not diligent, the inquiry should end.”  
15 Id. (citation omitted).

16 The Parties have failed to provide good cause to explain why any deviation from the  
17 existing court-approved schedule is necessary or appropriate. At most, counsel reference  
18 “complexities of the issues and scheduling conflicts” as the reasons for a departure from the  
19 existing schedule. (Mot. at 3.) But these are empty statements that do not explain the basis for the  
20 request. The Parties fail to explain what the complexities are and why the complexities have  
21 changed since the Court first approved a lengthy schedule to amend the complaint and to brief a  
22 motion to dismiss. And the Parties have not explained what the scheduling conflicts are and why  
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1 they might possibly necessitate a change in the existing schedule. The Court therefore DENIES  
2 the Motion in the complete absence of good cause. The existing schedule shall continue to apply.

3 The clerk is ordered to provide copies of this order to all counsel.

4 Dated February 14, 2023.

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6 Marsha J. Pechman  
7 United States Senior District Judge  
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